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Subject: IPR2025-00117: Request for Authorization to Serve Errata

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Dear Honorable Board,

Patent Owner YMTC respectfully requests authorization to file errata to the transcript of Dr. Campbell's deposition on November 7, 2025. Petitioner opposes.

Patent Owner's Position:

The transcript of Dr. Campbell's deposition instructed him to certify the transcript's accuracy or provide errata. Dr. Campbell reviewed the transcript and provided signed errata, some of which correct transcription errors and some of which provide necessary (even if potentially substantive) clarification. The Board should accept Dr. Campbell's errata.

The Board has found that, like here, "where Patent Owner will not otherwise have an opportunity to correct misstatements of a declarant during subsequent deposition testimony or at trial, ... it is appropriate to allow into the record errata identifying substantive changes to declaration testimony and the reasons for these changes." *SNF Holding Co. v. BASF Corp.*, IPR2015-00600, Paper 41 at 2-3 (PTAB April 6, 2016) (quoting FRCP 30(e)(1)(B) for "allow[ing] a deponent to sign a statement listing changes 'in form or substance' to his or her deposition testimony and the reasons for making these changes"); *accord Deere & Co. v. Gramm*, IPR2015-00898, Paper 22 at 4-5 (PTAB Jan. 7, 2016) (denying a petitioner's request for non-typographical errata where the declarant "could submit a declaration in support of Petitioner's Reply, if he felt he needed to clarify the testimony provided during his deposition"). "[I]t is preferable to maintain a complete record of testimony provided in this proceeding, including both the declarant's original testimony and the proffered corrections to this testimony." *SNF Holding*, IPR2015-00600 at 3. Here, Dr. Campbell has clarified that in certain instances where he said "design" he was referring specifically to "circuit design." These clarifications are unlike the substantive changes disfavored by the Board. See, e.g., *Samsung Elec. Am., Inc. v. Neonode Smartphone LLC*, IPR2021-00145, Paper 54 at 2 (PTAB Jan. 25, 2022) ("striking

full sentences and adding new testimony”); *Apple Inc. v. Achates Reference Publ’g, Inc.*, IPR2013-00080, Paper 61 at 3-4 (PTAB Jan. 21, 2014) (“changing a witnesses testimony from “Yes” to “No,” or vice versa, is not an appropriate basis for an errata sheet.”).

Patent Owner would not object if Petitioner wishes to conduct a brief follow-up deposition limited to Dr. Campbell’s errata.

Petitioner’s Position:

Petitioner opposes Patent Owner’s request as to all alleged clarifications and the alleged correction on page 150 line 25. Substantive changes to deposition testimony are improper. See, e.g., *Samsung Elec. Am., Inc. v. Neonode Smartphone LLC*, IPR2021-00145, Paper 54 at 3–4 (PTAB Jan. 25, 2022) (collecting cases). Yet these proposed changes seek to do exactly that. For example, the questions on pages 32 and 33 asked about the height of a structure in a 3D memory device, which relates to the structural design of the 3D NAND (not the circuit design). The errata sheet proposes to alter “design” and “designer” respectively to “circuit design” and “circuit designer.” This substantively changes the answers from not knowing about the structural design of 3D NAND, to not knowing about something that was not even asked.

Patent Owner had “the opportunity to conduct redirect examination of the witness immediately following the cross-examination to cure any perceived deficiency [and] to provide a more complete answer.” *Apple Inc. v. Achates Reference Publ’g, Inc.*, IPR2013-00080, Paper 61 at 4 (PTAB Jan. 21, 2014). In fact, Patent Owner had extensive opportunities to do. See Nov. 7, 2025 Campbell Dep. Tr. at 129:8–148:18 (re-direct), 151:8–153:19 (second re-direct). Dr. Campbell also had opportunities to clarify during the re-cross examination in which the issue was directly addressed. See *id.* at 148:19–151:7. Most of the substantive changes the errata sheet seeks to provide are to Dr. Campbell’s testimony on friendly re-direct examination or during the re-cross examination. “An errata sheet[,]” much less a *third* cross-and-re-direct examination, “cannot be used as a substitute for [the] redirect examination[s]” that Patent Owner already conducted. *Achates Reference Publ’g*, IPR2013-00080, Paper 61 at 4.

Respectfully,
Ben

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*Not admitted to practice in California. Admitted to practice in Utah and DC.

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